

AMENDED IN SENATE MAY 7, 2002

SENATE BILL

No. 2027

**Introduced by Committee on Business and Professions (Senators
Figueroa (Chair), Johannessen, Machado, Morrow, Murray,
O'Connell, and Polanco)**

February 22, 2002

An act to amend Sections 7019, 7057, 7106.5, 7110, 7141, 8698.6, 8751, 8762, ~~8764.5, and 8773.2~~ and 8764.5 of, and to repeal Section 7058.1 of, the Business and Professions Code, and to amend Section 66452.6 of the Government Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 2027, as amended, Committee on Business and Professions. Professions and vocations.

(1) Existing law, the Contractors' State License Law, provides for the licensure and regulation of contractors by the Contractors' State License Board. Existing law authorizes the board to hire licensed professionals for site investigations of consumer complaints ~~and~~ and specifies what type of contracts a general contractor may undertake while acting as a subcontractor. Existing law exempts certain contractors from testing for a specialty contractors' license and provides that the registrar may continue investigating a contractor if the contractor's license has expired or has been suspended. Existing law additionally authorizes the registrar to renew a license that has been expired for up to 3 years if the appropriate form is filed and fee is paid to the board and prohibits the current annual cost index adjustment from taking effect until the registrar performs the necessary calculations.

This bill would authorize the board to contract with interpreters, manufacturer's representatives, and accountants when conducting an investigation or prosecuting a licensee and would specify that a general contractor may subcontract with either ~~a specialty~~ *an appropriately licensed* contractor or a general engineering contractor. The bill would provide that the registrar would have jurisdiction over a contractor even if the contractor's license has been canceled or forfeited by operation of law. The bill would authorize an automatic adjustment to the current annual cost index March 1 of each year. The bill would make conforming changes.

(2) Existing law repeals the Structural Fumigation Enforcement Program on July 1, 2003.

This bill would extend that program until July 1, 2006.

(3) Existing law, the Professional Land Surveyors' Act, provides for the licensure and regulation of professional land surveyors by the Board for Professional Engineers and Land Surveyors. Existing law prohibits a person from using certain terms to describe his or her professional activity unless the person has a valid land surveyors' license. Existing law requires a county recorder to provide the survey preparer with specified data within 10 days of filing the survey. Existing law provides that a violation of the act is a crime.

This bill would prohibit a person from using the term "geometrics engineer" unless the person has a valid land surveyors' license. The bill would require a county recorder to provide the survey preparer with specified data within 10 days of filing the survey if the survey preparer provides the recorder with a postage-paid, self-addressed envelope. The bill would make conforming changes.

By expanding the use of prohibited terms used to identify land surveyors, the violation of which is a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.



The people of the State of California do enact as follows:

SECTION 1. Section 7019 of the Business and Professions Code is amended to read:

7019. (a) If funding is made available for that purpose, the board may contract with licensed professionals, as appropriate, for the site investigation of consumer complaints.

(b) The board may contract with other professionals, including, but not limited to, interpreters and manufacturer's representatives, whose skills or expertise are required to aid in the investigation or prosecution of a licensee, registrant, applicant for a license or registration, or those subject to licensure or registration by the board.

(c) The registrar shall determine the rate of reimbursement for those individuals providing assistance to the board pursuant to this section. All reports shall be completed on a form prescribed by the registrar.

(d) As used in this section, "licensed professionals" means, but is not limited to, engineers, architects, landscape architects, geologists, and accountants licensed, certificated, or registered pursuant to this division.

SEC. 2. Section 7057 of the Business and Professions Code is amended to read:

7057. (a) Except as provided in this section, a general building contractor is a contractor whose principal contracting business is in connection with any structure built, being built, or to be built, for the support, shelter, and enclosure of persons, animals, chattels, or movable property of any kind, requiring in its construction the use of at least two unrelated building trades or crafts, or to do or superintend the whole or any part thereof.

This does not include anyone who merely furnishes materials or supplies under Section 7045 without fabricating them into, or consuming them in the performance of the work of the general building contractor.

(b) A general building contractor may take a prime contract or a subcontract for a framing or carpentry project. However, a general building contractor shall not take a prime contract for any project involving trades other than framing or carpentry unless the prime contract requires at least two unrelated building trades or crafts other than framing or carpentry, or unless the general

1 building contractor holds the appropriate license classification or
2 subcontracts with an appropriately licensed contractor to perform
3 the work. A general building contractor shall not take a
4 subcontract involving trades other than framing or carpentry,
5 unless the subcontract requires at least two unrelated trades or
6 crafts other than framing or carpentry, or unless the general
7 building contractor holds the appropriate license classification.
8 The general building contractor may not count framing or
9 carpentry in calculating the two unrelated trades necessary in order
10 for the general building contractor to be able to take a prime
11 contract or subcontract for a project involving other trades.

12 (c) No general building contractor shall contract for any project
13 that includes the “C-16” Fire Protection classification as provided
14 for in Section 7026.12 or the “C-57” Well Drilling classification
15 as provided for in Section 13750.5 of the Water Code, unless the
16 general building contractor holds the ~~specialty license~~ *appropriate*
17 *license classification*, or subcontracts with the appropriately
18 licensed ~~specialty~~ contractor.

19 SEC. 3. Section 7058.1 of the Business and Professions Code
20 is repealed.

21 SEC. 4. Section 7106.5 of the Business and Professions Code
22 is amended to read:

23 7106.5. The expiration, cancellation, forfeiture, or
24 suspension of a license by operation of law or by order or decision
25 of the registrar or a court of law, or the voluntary surrender of a
26 license by a licensee shall not deprive the registrar of jurisdiction
27 to proceed with any investigation of or action or disciplinary
28 proceeding against the license, or to render a decision suspending
29 or revoking the license.

30 SEC. 5. Section 7110 of the Business and Professions Code is
31 amended to read:

32 7110. Willful or deliberate disregard and violation of the
33 building laws of the state, or of any political subdivision thereof,
34 or of Section 8505 or 8556 of this code, or of Sections 1689.5 to
35 1689.8, inclusive, or Sections 1689.10 to 1689.13, inclusive, of the
36 Civil Code, or of the safety laws or labor laws or compensation
37 insurance laws or Unemployment Insurance Code of the state, or
38 violation by any licensee of any provision of the Health and Safety
39 Code or Water Code, relating to the digging, boring, or drilling of
40 water wells, or Article 2 (commencing with Section 4216) of



Chapter 3.1 of Division 5 of Title 1 of the Government Code, constitutes a cause for disciplinary action.

SEC. 6. Section 7141 of the Business and Professions Code is amended to read:

7141. Except as otherwise provided in this chapter, a license that has expired may be renewed at any time within three years after its expiration ~~on filing of~~ *by filing an* application for renewal on a form prescribed by the registrar, and payment of the appropriate renewal fee. Renewal under this section shall be effective on the date an acceptable renewal application is filed with the board. The licensee shall be considered unlicensed and there will be a break in the licensing time between the expiration date and the date the renewal becomes effective. If the license is renewed after the expiration date, the licensee shall also pay the delinquency fee prescribed by this chapter. If so renewed, the license shall continue in effect through the date provided in Section 7140 which next occurs after the effective date of the renewal, when it shall expire if it is not again renewed.

If a license is not renewed within three years, the licensee shall make application for a license pursuant to Section 7066.

SEC. 7. Section 8698.6 of the Business and Professions Code is amended to read:

8698.6. This chapter shall remain in effect only until July 1, 2006, and as of that date is repealed, unless a later enacted statute, which is chaptered before July 1, 2006, deletes or extends that date.

SEC. 8. Section 8751 of the Business and Professions Code is amended to read:

8751. No person shall represent himself or herself as, or use the title of, or any abbreviation or combination of the words in the title of, professional land surveyor, licensed land surveyor, land surveyor, land survey engineer, survey engineer, geodetic engineer, geomatics engineer, or geometronic engineer unless he or she is the holder of a valid, unsuspended, and unrevoked license.

SEC. 9. Section 8762 of the Business and Professions Code is amended to read:

8762. (a) After making a field survey in conformity with the practice of land surveying, the licensed surveyor or registered civil engineer may file with the county surveyor in the county in which the survey was made, a record of the survey.

(b) After making a field survey in conformity with the practice of land surveying, the licensed land surveyor or registered civil engineer shall file with the county surveyor in the county in which the field survey was made a record of the survey relating to land boundaries or property lines, if the field survey discloses any of the following:

(1) Material evidence or physical change, which in whole or in part does not appear on any subdivision map, official map, or record of survey previously recorded or properly filed in the office of the county recorder or county surveying department, or map or survey record maintained by the Bureau of Land Management of the United States.

(2) A material discrepancy with the information contained in any subdivision map, official map, or record of survey previously recorded or filed in the office of the county recorder or the county surveying department, or any map or survey record maintained by the Bureau of Land Management of the United States. For purposes of this subdivision, a “material discrepancy” is limited to a material discrepancy in the position of points or lines, or in dimensions.

(3) Evidence that, by reasonable analysis, might result in materially alternate positions of lines or points, shown on any subdivision map, official map, or record of survey previously recorded or filed in the office of the county recorder or the county surveying department, or any map or survey record maintained by the Bureau of Land Management of the United States.

(4) The establishment of one or more points or lines not shown on any subdivision map, official map, or record of survey, the positions of which are not ascertainable from an inspection of the subdivision map, official map, or record of survey.

(5) The points or lines set during the performance of a field survey of any parcel described in any deed or other instrument of title recorded in the county recorder’s office are not shown on any subdivision map, official map, or record of survey.

(c) The record of survey required to be filed pursuant to this section shall be filed within 90 days after the setting of boundary monuments during the performance of a field survey or within 90 days after completion of a field survey, whichever occurs first.

(d) If the 90-day time limit contained in this section cannot be complied with for reasons beyond the control of the licensed land

1 surveyor or registered civil engineer, the 90-day time period shall
2 be extended until the time at which the reasons for delay are
3 eliminated. If the licensed land surveyor or registered civil
4 engineer cannot comply with the 90-day time limit, he or she shall,
5 prior to the expiration of the 90-day time limit, provide the county
6 surveyor with a letter stating that he or she is unable to comply. The
7 letter shall provide an estimate of the date for completion of the
8 record of survey, the reasons for the delay, and a general statement
9 as to the location of the survey, including the assessor's parcel
10 number or numbers.

11 (e) The licensed land surveyor or registered civil engineer shall
12 not initially be required to provide specific details of the survey.
13 However, if other surveys at the same location are performed by
14 others which may affect or be affected by the survey, the licensed
15 land surveyor or registered civil engineer shall then provide
16 information requested by the county surveyor without
17 unreasonable delay.

18 (f) Any record of survey filed with the county surveyor shall,
19 after being examined by him or her, be filed with the county
20 recorder.

21 (g) (1) If the preparer of the record of survey provides a
22 postage-paid, self-addressed envelope or postcard with the filing
23 of the record of survey, the county recorder shall provide the
24 preparer of the record of survey with the filing data within 10 days
25 of final filing. For the purposes of this subdivision, "filing data"
26 includes the date, book or volume, and the page at which the record
27 of survey is filed by the county surveyor.

28 (2) If the preparer of the record of survey does not provide a
29 postage-paid, self-addressed envelope or postcard with the filing
30 of the record of survey, the county recorder shall provide the
31 preparer of the record of survey with the filing data as defined in
32 subdivision (i) within 20 days of the filing of the map.

33 SEC. 10. Section 8764.5 of the Business and Professions
34 Code is amended to read:

35 8764.5. Statements shall appear on the map as follows:

36
37 SURVEYOR'S STATEMENT
38

1 This map correctly represents a survey made by me or under my direction
 2 in conformance with the requirements of the Land Surveyors' Act at the
 3 request of _____
 4 _____ Name of Person Authorizing Survey
 5 in _____, 20____.

6
 7 (Signed and sealed) _____
 8 L.S. (or R.C.E.) No. _____
 9 License expiration date _____

10
 11 COUNTY SURVEYOR'S STATEMENT

12
 13 This map has been examined in accordance with Section 8766 of the Land
 14 Surveyors' Act this _____ day of _____, 20____.

15
 16 (Signed and sealed) _____
 17 _____ County Surveyor
 18 (L.S. (or R.C.E.) No.) _____
 19 (License expiration date) _____

20
 21 RECORDER'S STATEMENT

22
 23 Filed this _____ day of _____, 20____, at _____m. in Book _____ of _____ at
 24 page _____, at the request of _____.

25
 26 (Signed) _____
 27 _____ County Recorder

28
 29 No other statements may appear on the face of the map except
 30 those required or authorized by this article.

31 ~~SEC. 11. Section 8773.2 of the Business and Professions~~
 32 ~~Code is amended to read:~~

33 ~~8773.2. (a) A "corner record" submitted to the county~~
 34 ~~surveyor or engineer shall be examined by him or her for~~
 35 ~~compliance with Sections 8773, 8773.1, and 8773.4, endorsed~~
 36 ~~with a statement of his or her examination, and filed with the~~
 37 ~~county surveyor or returned to the submitting party within 20~~
 38 ~~working days after receipt.~~

~~(b) In the event the submitted “corner record” fails to comply with the examination criteria of subdivision (a), the county surveyor or engineer shall return it to the person who submitted it together with a written statement of the changes necessary to make it conform to the requirements of subdivision (a). The licensed land surveyor or registered civil engineer submitting the corner record may then make the changes in compliance with subdivision (a) and resubmit the corner record for filing. The county surveyor or engineer shall file the corner record within 10 working days after receipt of the resubmission.~~

~~(c) If the matters appearing on the corner record cannot be agreed upon by the licensed land surveyor or the registered civil engineer and the county surveyor within 10 working days after the licensed land surveyor or registered civil engineer resubmits and requests the corner record be filed without further change, an explanation of the differences shall be noted on the corner record and it shall be submitted to and filed by the county surveyor. When the county surveyor places an explanatory note on a corner record, the county surveyor shall transmit a copy of the filed corner record within 10 working days of the filing to the licensed land surveyor or registered civil engineer who submitted the corner record.~~

~~(d) The corner record filed with the county surveyor of any county shall be securely fastened by him or her into a suitable book provided for that purpose.~~

~~(e) A charge for examining, indexing, and filing the corner record may be collected by the county surveyor, not to exceed the amount required for the recording of a deed.~~

~~(f) If the preparer of the corner record provides a postage paid, self-addressed envelope or postcard with the filing of the corner record, the county surveyor shall provide the preparer of the corner record with the filing data within 20 days of final filing. For the purposes of this subdivision, “filing data” includes the date, book or volume, and the page at which the corner record is filed by the county surveyor. This subdivision shall not apply to a county surveyor’s office that maintains an electronic data base of filed corner records that is accessible to the public by reference to the preparer’s license number.~~

~~SEC. 12.~~

~~SEC. 11.~~ Section 66452.6 of the Government Code is amended to read:

1 66452.6. (a) (1) An approved or conditionally approved
2 tentative map shall expire 24 months after its approval or
3 conditional approval, or after any additional period of time as may
4 be prescribed by local ordinance, not to exceed an additional 12
5 months. However, if the subdivider is required to expend one
6 hundred twenty-five thousand dollars (\$125,000) or more to
7 construct, improve, or finance the construction or improvement of
8 public improvements outside the property boundaries of the
9 tentative map, excluding improvements of public rights-of-way
10 which abut the boundary of the property to be subdivided and
11 which are reasonably related to the development of that property,
12 each filing of a final map authorized by Section 66456.1 shall
13 extend the expiration of the approved or conditionally approved
14 tentative map by 36 months from the date of its expiration, as
15 provided in this section, or the date of the previously filed final
16 map, whichever is later. The extensions shall not extend the
17 tentative map more than 10 years from its approval or conditional
18 approval. However, a tentative map on property subject to a
19 development agreement authorized by Article 2.5 (commencing
20 with Section 65864) of Chapter 4 of Division 1 may be extended
21 for the period of time provided for in the agreement, but not
22 beyond the duration of the agreement. The number of phased final
23 maps that may be filed shall be determined by the advisory agency
24 at the time of the approval or conditional approval of the tentative
25 map.

26 (2) The amount of one hundred twenty-five thousand dollars
27 (\$125,000) shall be annually increased by operation of law
28 according to the adjustment for inflation set forth in the statewide
29 cost index for class B construction, as determined by the State
30 Allocation Board at its January meeting. The effective date of each
31 annual adjustment shall be March 1. The adjusted amount shall
32 apply to tentative and vesting tentative maps whose applications
33 were received after the effective date of the adjustment.

34 (3) "Public improvements," as used in this subdivision,
35 include traffic controls, streets, roads, highways, freeways,
36 bridges, overcrossings, street interchanges, flood control or storm
37 drain facilities, sewer facilities, water facilities, and lighting
38 facilities.

39 (b) (1) The period of time specified in subdivision (a),
40 including any extension thereof granted pursuant to subdivision

(e), shall not include any period of time during which a development moratorium, imposed after approval of the tentative map, is in existence. However, the length of the moratorium shall not exceed five years.

(2) The length of time specified in paragraph (1) shall be extended for up to three years, but in no event beyond January 1, 1992, during the pendency of any lawsuit in which the subdivider asserts, and the local agency which approved or conditionally approved the tentative map denies, the existence or application of a development moratorium to the tentative map.

(3) Once a development moratorium is terminated, the map shall be valid for the same period of time as was left to run on the map at the time that the moratorium was imposed. However, if the remaining time is less than 120 days, the map shall be valid for 120 days following the termination of the moratorium.

(c) The period of time specified in subdivision (a), including any extension thereof granted pursuant to subdivision (e), shall not include the period of time during which a lawsuit involving the approval or conditional approval of the tentative map is or was pending in a court of competent jurisdiction, if the stay of the time period is approved by the local agency pursuant to this section. After service of the initial petition or complaint in the lawsuit upon the local agency, the subdivider may apply to the local agency for a stay pursuant to the local agency's adopted procedures. Within 40 days after receiving the application, the local agency shall either stay the time period for up to five years or deny the requested stay. The local agency may, by ordinance, establish procedures for reviewing the requests, including, but not limited to, notice and hearing requirements, appeal procedures, and other administrative requirements.

(d) The expiration of the approved or conditionally approved tentative map shall terminate all proceedings and no final map or parcel map of all or any portion of the real property included within the tentative map shall be filed with the legislative body without first processing a new tentative map. Once a timely filing is made, subsequent actions of the local agency, including, but not limited to, processing, approving, and recording, may lawfully occur after the date of expiration of the tentative map. Delivery to the county surveyor or city engineer shall be deemed a timely filing for purposes of this section.

1 (e) Upon application of the subdivider filed prior to the
2 expiration of the approved or conditionally approved tentative
3 map, the time at which the map expires pursuant to subdivision (a)
4 may be extended by the legislative body or by an advisory agency
5 authorized to approve or conditionally approve tentative maps for
6 a period or periods not exceeding a total of five years. The period
7 of extension specified in this subdivision shall be in addition to the
8 period of time provided by subdivision (a). Prior to the expiration
9 of an approved or conditionally approved tentative map, upon an
10 application by the subdivider to extend that map, the map shall
11 automatically be extended for 60 days or until the application for
12 the extension is approved, conditionally approved, or denied,
13 whichever occurs first. If the advisory agency denies a
14 subdivider's application for an extension, the subdivider may
15 appeal to the legislative body within 15 days after the advisory
16 agency has denied the extension.

17 (f) For purposes of this section, a development moratorium
18 includes a water or sewer moratorium, or a water and sewer
19 moratorium, as well as other actions of public agencies which
20 regulate land use, development, or the provision of services to the
21 land, including the public agency with the authority to approve or
22 conditionally approve the tentative map, which thereafter
23 prevents, prohibits, or delays the approval of a final or parcel map.
24 A development moratorium shall also be deemed to exist for
25 purposes of this section for any period of time during which a
26 condition imposed by the city or county could not be satisfied
27 because of either of the following:

28 (1) The condition was one that, by its nature, necessitated
29 action by the city or county, and the city or county either did not
30 take the necessary action or by its own action or inaction was
31 prevented or delayed in taking the necessary action prior to
32 expiration of the tentative map.

33 (2) The condition necessitates acquisition of real property or
34 any interest in real property from a public agency, other than the
35 city or county that approved or conditionally approved the
36 tentative map, and that other public agency fails or refuses to
37 convey the property interest necessary to satisfy the condition.
38 However, nothing in this subdivision shall be construed to require
39 any public agency to convey any interest in real property owned
40 by it. A development moratorium specified in this paragraph shall

1 be deemed to have been imposed either on the date of approval or
2 conditional approval of the tentative map, if evidence was
3 included in the public record that the public agency which owns
4 or controls the real property or any interest therein may refuse to
5 convey that property or interest, or on the date that the public
6 agency which owns or controls the real property or any interest
7 therein receives an offer by the subdivider to purchase that
8 property or interest for fair market value, whichever is later. A
9 development moratorium specified in this paragraph shall extend
10 the tentative map up to the maximum period as set forth in
11 subdivision (b), but not later than January 1, 1992, so long as the
12 public agency which owns or controls the real property or any
13 interest therein fails or refuses to convey the necessary property
14 interest, regardless of the reason for the failure or refusal, except
15 that the development moratorium shall be deemed to terminate 60
16 days after the public agency has officially made, and
17 communicated to the subdivider, a written offer or commitment
18 binding on the agency to convey the necessary property interest for
19 a fair market value, paid in a reasonable time and manner.

20 ~~SEC. 13.~~

21 *SEC. 12.* No reimbursement is required by this act pursuant
22 to Section 6 of Article XIII B of the California Constitution
23 because the only costs that may be incurred by a local agency or
24 school district will be incurred because this act creates a new crime
25 or infraction, eliminates a crime or infraction, or changes the
26 penalty for a crime or infraction, within the meaning of Section
27 17556 of the Government Code, or changes the definition of a
28 crime within the meaning of Section 6 of Article XIII B of the
29 California Constitution.